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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,171

03/17/2004

Ellen Lasch

37355-237

3870

7590

02/23/2006

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EXAMINER

WALSH, DANIEL I

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/802,171

**Applicant(s)**

LASCH ET AL.

**Examiner**

Daniel I. Walsh

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12-05 and 01-06 (IDSs and RCE).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-05 and 01-06.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Receipt is acknowledged of the IDS received on 7 December 2005 and 17 January 2006. The indicated allowability of claims 21 and 24 is withdrawn in view of the newly discovered reference(s) to Masuzawa et al. (US 5,015,830), as cited by the Applicant.

Rejections based on the newly cited reference(s) follow. Any delay is regretted.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda, as cited in previous Office Actions (US 5,004,899) in view of Masuzawa, as cited by the Applicant (US 5,015,830).

Ueda teaches a foldable transaction card comprising a first and section with a hinge disposed there between (FIG. 1).

Ueda is silent to the portable electronic device and housing.

Masuzawa et al. teaches the claimed limitations of a housing comprising a hinging section between first and second sections for opening and closing the housing, wherein the housing is interconnected with the electronic device (reader), and that the housing surrounds the card and that the card is attached to the housing (removably when in the pocket) (see FIG. 1). Though Masuzawa et al. is silent to a hinge, the Examiner notes that as the device folds, it would have been obvious to use a hinge as a matter of design variation, as Masuzawa et al. teaches folding, a hinge is understood to be a well known and conventional device to facilitate opening/closing/folding. Accordingly, it would have been obvious to one of ordinary skill in the art to have a hinge, in order to have a secure folding means. The Examiner notes that though Masuzawa et al. is silent to folding the card when placing it in the pocket, the Examiner notes that the card can be folded and placed in the pocket if desired by the user (FIG. 6 shows the pocket). One might be motivated to fold the card when storing to protect the contacts, for example.

Re claim 24, though Masuzawa et al. teaches a pocket, Masuzawa et al. teaches the pocket opens to the side, not to the top. The Examiner notes that it is well known and conventional for card holders to face different orientations in order to be of convenience to the user. The Examiner notes that it would have been obvious to face the pocket upwards, as a matter of convenience for the user to grab a card or to place a card in the pocket. Accordingly, the Examiner notes that in such an orientation, when a card is inserted into the pocket up to its fold line, and then folded and the portable electronic

device closed, the card would spring open when the housing is open (unfold outside the housing). One might be motivated to put the card in the pocket and fold it, and close the housing; in order to have an easy means to access the card when the housing is opened (the user wouldn't have to dig into the pocket as the card would spring open due to the elastic nature of the folding means of the card). Closing mechanisms such as latches, claps, locks, buttons, etc. to ensure a close are well known and conventional in the art for closing housing devices.

#### ***Additional Remarks***

3. The Examiner notes (US 5,257,656) teaches a pocket oriented upwards for a card and (US 2004/0126284) teaches a card in a portable electronic that can be spring loaded to spring the card out of the housing (FIG. 8A) and (US 6,184,788) teaches closure/opening means.

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

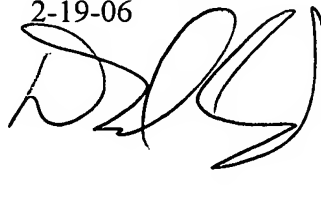
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh

Examiner

Art Unit 2876

2-19-06

A handwritten signature in black ink, appearing to be 'DW', with a long vertical line extending downwards from the right side of the signature.